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SIPDIS

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SUBJECT: Bosnia: Fraud Prevention Unit examines court records

REF: Sarajevo 975

**¶1.** Summary. This cable is the second of three cables concerning documents that support immigrant visa applications, in this case focusing on court records from both entities. The case management system is not being properly used by regional court authorities and efforts need to be made to ensure that immigrant visa applicant records reflect the entire territory of Bosnia. Furthermore, online records of the Court of Bosnia and Herzegovina need to be checked to ensure that cases that include terrorism, war crimes and organized crime are also identified. End summary.

**¶2.** The Fraud Prevention Unit (FPU) recently contacted the representatives of several regional courts in Bosnia in connection with Bosnian court documents. FPU wanted to become more familiar with the current standards applied by different court offices in Bosnia. We established that the regional court records reflect only criminal-related cases for a single region. They are not nationwide, and apply only to very limited court matters.

**¶3.** Bosnian regional court documents are issued exclusively for criminal law cases based on residence in one of 15 Bosnian regions. They include only criminal cases where the court has confirmed the individual's indictment. The criminal cases from one region would not appear in the court records of the other 14 regions. Therefore, Bosnian regional court certificates do not include any cases from any other regional court of the same or higher judicial level.

**¶4.** Misdemeanors, civil suits or property and custody disputes do not appear in regional Bosnian court certificates. Some of these actions may be relevant in an immigrant visa case, yet a consular officer reviewing the application may not obtain this information from the regular Bosnian court documents.

**¶5.** Cases involving terrorism, organized crime and war crimes fall under the jurisdiction of the Court of Bosnia and Herzegovina. This court is a completely separate legal body, and has exclusive jurisdiction for terrorism, war crimes, and organized crime. Their cases would not normally be reflected in the court document from the applicant's region of residence.

**¶6.** Our contact at the Sarajevo Cantonal Court stated that there is no established electronic/computer network among different Bosnian courts, so they unable to know about active cases from other regional Bosnian courts. However, one of the court employees told us informally that such a system exists, but the local bureaucracy ignores this resource. Indeed, in a recent FPU visit to the regional court in East Sarajevo (Republika Srpska), FPU learned that such a system does exist: the Case Management Statistics system

(CMS). The system became operational in East Sarajevo in spring 2008. Starting in 2006, the High Judicial and Prosecutorial Council of Bosnia introduced a new CMS database that permits access to all active municipal and regional court cases in Bosnia. We were told that the project was completed by the end of 2008, but that the regional Bosnian courts did nothing to change their procedures with Court documents.

¶7. Post will now require that the regional courts run the entire CMS database for all U.S. immigration-related cases, thus providing us with a complete criminal record that would cover all Bosnia. Additionally, FPU plans on running the online records of the Court of Bosnia and Herzegovina for every IV applicant in order to verify whether there are any records that present ineligibilities relating to terrorism, war crimes, or organized crime.

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